

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

PATRICIA HOLCOMB,

Plaintiffs,

v.

HOMELAND SECURITY, BUTTE
SILVER BOW COUNTY TASK FORCE,
MONTANA HIGHWAY PATROL, NW
TASK FORCE AGENT ANDERSON,
NW TASK FORCE BUTTE OFFICE,
MALE OFFICER, FEMALE OFFICER,
AND STEVE HANSON,

Defendants.

CV-24-112-JTJ

ORDER

Plaintiff, Patricia Holcomb, appearing pro se, has filed a Motion for Leave to Proceed In Forma Pauperis (Doc.1) and a Complaint. (Doc. 2). Holcomb generally alleges that the Defendants violated her constitutional rights.

I. MOTION TO PROCEED IN FORMA PAUPERIS

Holcomb submitted an affidavit in support of her motion to proceed in forma pauperis. Based upon the affidavit, the Court granted the motion pursuant to 28 U.S.C. § 1915. (Doc. 7)

II. SCREENING

When litigant proceeds in forma pauperis, the Court must review the complaint to determine whether it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against defendants who are immune. *See* 28 U.S.C. § 1915(e)(2). Because Holcomb is self-represented, the Court must construe her complaint liberally. *Ericson v. Pardus*, 551 U.S. 89, 94 (2007).

Holcomb generally alleges the Defendants violated her constitutional rights by subjecting her to an unlawful search and seizure and seizing her property without due process. Specifically, Holcomb contends the Defendants confiscated her cell phone through an unlawful search and seizure on November 28, 2023, in St. Regis Montana, and that her back was injured during this encounter. Holcomb further contends that two of her vehicles, a limousine and a truck were impounded. Holcomb also alleges a second cell phone was confiscated by some of the Defendants on April 9, 2024, in Butte, Montana. (Doc. 2).

Holcomb invokes the Court's federal question jurisdiction based upon her constitutional claims. Liberally construing Holcomb's Complaint, the Court cannot say at this stage in the proceedings that it is frivolous or malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune. The Court will therefore order that the complaint be served on the Defendants.

III. SERVICE OF COMPLAINT

Because Holcomb is proceeding in forma pauperis, she is entitled to have her complaint and the summons served by the United States Marshal. Fed. R. Civ. P. 4(c)(3). Nonetheless, Holcomb is obligated to provide the court with an appropriate address for service on the Defendants. *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994) (overruled on other grounds *Sandin v. Conner*, 515 U. S. 472, 483-84 (1995)). When a plaintiff proceeding in forma pauperis fails to provide the Court with accurate and sufficient information to effect service of the summons and complaint, the Court may sua sponte dismiss the unserved defendant. *Id.*

Here, Holcomb has provided incomplete addresses for the Defendants. (Doc. 2 at p. 2) Accordingly, Holcomb must provide the Court with accurate and sufficient information to effect service of her summons and complaint. For a corporation, partnership or association, the address must be for "an officer, a managing or general

agent, or any other agent authorized by appointment or by law to receive service of process.” Fed R. Civ. P. 4(D)(1)(A)(ii) and 4(h)(1)(B).

IV. CONCLUSION

Based upon the foregoing, **IT IS HEREBY ORDERED** as follows:

1. On or before **November 6, 2024**, Holcomb shall file a notice which provides the Court with an appropriate address for service on each of the Defendants. A failure to provide this information will result in a recommendation that this matter be dismissed without prejudice for failure to serve.

2. Holcomb must immediately advise the Court of any change in her mailing address by filing a Notice of Change of Address. Failure to do so may result in dismissal of this action without notice.

DATED this 9th day of October 2024.


John Johnston
United States Magistrate Judge